

REMARKS

Upon entry of the foregoing amendment, Claims 1-4, 9-13, 24, and 26-27 would remain in the application.

Claims 5-8, 25, 32 and 33 stand previously withdrawn from consideration.

Claims 28-31 have previously been cancelled.

Upon entry of the above amendment, Claims 14-23 would be cancelled. Claims 14-23 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,842,824 to Ono in the last Office Action. Such claims would now be cancelled, but without prejudice to Applicants' right to file a continuation application to further prosecute these claims in a continuing application.

Of the claims now remaining in the application, Claim 1 has been allowed.

Claims 2-4, 9-13, 24, 26 and 27 stand rejected only under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. As this rejection was made for the first time in the last Office Action, and since the proposed amendment would place all remaining claims in condition for allowance, entry of the proposed amendment to Claims 2-4, 9-13, 24, 26 and 27 appears to be timely and appropriate under 37 C.F.R. 1.116.

Rejections Under 35 U.S.C. §112

Claims 2-4, 9-13, 24, 26 and 27 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement for failing to support the recited claim limitations such as "blocking material," "blocking surface," and "blocking filler."

As discussed at page 1, lines 16-18 of the present application as filed, "[a] polarizer is provided comprising a subwavelength optical microstructure wherein the microstructure is partially covered with a light-transmissive inhibiting surface for polarizing light. The inhibiting surface can include a reflective surface, such as a metalized coating." (Emphasis added.)

An example of such a light-transmissive inhibiting surface, embodied as a reflective metalized coating, is shown at least in Fig. 26 and described in the corresponding text of the specification at page 15, line 24 through page 16, line 6 as originally filed. Other parts of the specification describe still other embodiments.

Claims 2-4, 9-13, 24, 26 and 27 have therefore been amended to adopt the phrase “light-transmissive inhibiting surface” as supported by the original specification.

It is also noted that the original versions of Claims 1, 2, 9, 13 (and other claims) as originally filed also used the terminology “light-transmissive inhibiting surface”.

Thus it is believed that the application as originally filed provides sufficient description in the text, drawings and the claims as originally filed to conclude that the terminology “light-transmissive inhibiting surface” satisfies the requirements of 35 U.S.C. § 112. Therefore, it is requested that the rejections of Claims 2-4, 9-13, 24, 26 and 27 under 35 U.S.C. § 112 be reconsidered and withdrawn.

Dependent Claims 2-4, 10-12, 26 and 27, should now also be in condition for allowance. These claims all depend from Claim 1, which was allowed over the prior art by the Examiner, Thus these claims should also be found allowable over the prior art as being dependent from an allowed base claim.

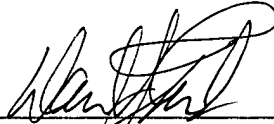
Further, independent Claims 9, 13 and 24 were rejected only under 35 U.S.C. § 112. Thus, independent Claims 9, 13 and 24 should be allowed as well.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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